

REMARKS

Claims 7-11, 13-15, 23-26 and 28-29 are active and pending in the present application. Applicant thanks the Examiner for withdrawing the previous 35 U.S.C. 112 and 35 U.S.C. 103 rejections.

Interview Summary

Applicant thanks the Examiner for conducting an Interview with Applicant's representative, Arlyn Alonzo, Reg. 44502, on August 31, 2009. Since Ms. Alonzo was not listed as an attorney of record, the interview was conducted with the PTO file closed. In the interview, the Examiner kindly clarified that a terminal disclaimer must be signed by an attorney or agent of record. Thus, if the attorney or agent to sign the terminal disclaimer is not presently an attorney or agent of record, a new power of attorney would be needed. The Interview has subsequently been recorded in an Interview Summary dated September 8, 2009.

Claim Objections

Claims 7, 15 and 29 were objected to due to informalities cited by the Office Action. Applicant thanks the Examiner for pointing out these informalities to the Applicant's attention. By this amendment, claims 7, 15 and 29 have been amended to cure the informalities noted in the Office Action. Accordingly, Applicant respectfully requests the withdrawal of the Claim Objections to claims 7, 15 and 29.

Double Patenting

Claims 7-11, 13-15, 23-26 and 28-29 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7, 9-11, 13-16, 25-27, 29-30 and 32 of US Patent No. 6,731,668. A previous terminal disclaimer filed with the previous Amendment dated June 2, 2009 was not accepted since it was not signed by an attorney of record.

To overcome the Double Patenting rejection for the remaining pending claims, a new terminal disclaimer is filed herewith. Thus, Applicant respectfully requests the withdrawal of the Double Patenting rejection based thereon.

CONCLUSION

For the reasons stated above, the claims objections and the Double Patenting rejection have been overcome. Thus, Applicant respectfully requests withdrawal of the claim objections and Double Patenting rejection.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. The Commissioner is authorized to charge Deposit Account No. 17-0026 for the fees owed for the Request for Continued Examination (RCE). Applicant does not believe that any other fees are due. However, if any other

Attorney Docket No. 000252C1
Customer No. 23,696

fees are required, please charge Deposit Account No. 17-0026. Applicant encourages the Examiner to telephone the Applicant's attorney should any issues remain.

Respectfully submitted,

Dated: Sept. 21, 2009

By: 
Sayed H. Beladi, Reg. No. 42,311

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-4470
Facsimile: (858) 658-2502